

### **REMARKS/ARGUMENTS**

These remarks are made in response to the Office Action of July 22, 2008 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. However, the Examiner is expressly authorized to charge any deficiencies to Deposit Account No. 50-0951.

Applicants have cancelled Claims 13-30. However, Applicants are not conceding that the cancelled claims fail to present patentable subject matter. The cancellations are solely for the purpose of expediting prosecution. Accordingly, the cancellations should not be interpreted as the surrender of any subject matter, and Applicants expressly reserve the right to present the cancelled claims in any future divisional or continuation applications from the present application.

### **Allowable Subject Matter**

Applicants appreciate the allowance of Claims 1-18.

### **Claim Rejections – 35 USC § 101**

Claims 19-30 were rejected under 35 U.S.C. § 101 because it was asserted that the claimed invention is directed to non-statutory subject matter. Claims 19-30 were also rejected under 35 U.S.C. § 101 and under 35 U.S.C. § 112, first paragraph, because it was asserted that the claimed invention is not supported by either a specific and substantial asserted utility or a well-established utility.

It is noted that a "computer-readable storage encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permits the computer program's functionality to be realized, and is thus statutory" (see MPEP 2106.01 I).

It is also noted that the utility of the computer-readable storage claims is the same as the method claims because the computer program encoded on the computer-readable storage enables the computer to perform the same function as the method claims.

Although Applicants do not agree with the rejections, Claims 19-30 have been cancelled to facilitate prosecution of the instant application.

### CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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